

REMARKS

In the Office Action dated May 6, 2003, claims 3, 8, 26, 34-42, 59-61, and 66-88 were withdrawn from consideration as being nonelected. Applicant respectfully submits that since independent claims 1 and 46 are allowable, as will be explained below, nonelected, dependent claims 3, 8, 26, 34-42, and 59-61 should be rejoined and also allowed. Applicant has canceled claims 66-88, without prejudice or disclaimer. Applicant reserves the right to present the subject matter of claims 66-88 at a later date.

Applicant submits herewith replacement drawing sheets containing Figs. 1-14, 15A, and 15B. Applicant has amended Fig. 2 to include the reference label 20. The amendment to Fig. 2 obviates the objection to Fig. 2 set forth in the Office Action.

In the Office Action, the Examiner objected to the specification as failing to provide antecedent basis for the term "stop mechanism" as used in claims 13 and 14, and objected to the drawings for failing to show such a "stop mechanism." Support for this term can be found at least in the originally-filed claims, at page 21, paragraph [055], and in Fig. 13, element 153a, for example. Applicant has amended the specification to provide additional basis for the claim term. The amendments to the specification clearly find support in the original application, do not add new matter, and obviate the objection to the specification and to the drawings.

Applicant submits herewith on a separate sheet a new Abstract to replace the originally-filed Abstract. It is respectfully requested that the objection to the Abstract be withdrawn.

Claims 15 and 58 have been amended to provide appropriate antecedent basis. The Section 112, second paragraph rejection should therefore be withdrawn.

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In the Office Action, claims 1, 2, 4-7, 9-25, 27-33, 43-58, and 62-65 under 35 U.S.C. §103(a) as being unpatentable over either U.S. Patent No. 6,261,304 to Hall et al. ("Hall") alone, over Hall in view of U.S. Patent No. 6,290,728 to Phelps et al. ("Phelps"), or over Hall in view of U.S. Patent No. 6,029,672 to Vanney et al. ("Vanney").

Applicant does not agree with the Examiner's characterizations and assertions regarding Applicant's claims, the alleged teachings of the Hall, Phelps, or Vanney references, or the conclusions of obviousness that are set forth in the Office Action. Further, Applicant submits that because the Hall reference is being relied on as prior art under 35 U.S.C. §102(e), and since the present application was filed after November 29, 1999, under the provisions of 35 U.S.C. § 103(c), the various Section 103 rejections based on Hall can be overcome by showing that the subject matter of the Hall reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Applicant supplies a statement on a separate sheet of this response, made by Applicant's representatives, regarding the ownership of the present application and the Hall reference. Applicant respectfully submits that in light of this statement, the Section 103 rejections set forth in the Office Action should be withdrawn.

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Applicant's Representative of Record Statement of Common Ownership
Under M.P.E.P. §706.02(I)(2)

Under the provisions of M.P.E.P. §706.02(I)(2), Applicant's undersigned representative of record supplies the following statement to the effect that the present application and U.S. Patent No. 6,261,304 B1 to Hall et al. were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same organization:

U.S. Patent Application No. 09/845,154, filed May 1, 2001, in the name of Peter Boekstegers, and U.S. Patent No. 6,261,304, filed August 4, 1999, in the name of Todd Hall et al., were, at the time the invention of U.S. Patent Application No. 09/845,154 was made, both owned by Percardia, Inc.

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Applicant respectfully requests the withdrawal of the outstanding objections and rejections, the rejoinder of claims 3, 8, 26, 34-42, and 59-61, and the timely allowance of claims 1-65.

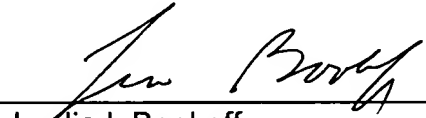
The Office Action contains characterizations of the claims and the related art, such as, for example, regarding whether or not certain claims are generic, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: August 1, 2003

By: 
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ABSTRACT

A method, and related tools for performing the method, of delivering a stent or other like device to the heart to connect the left ventricle to the coronary artery to thereby supply blood directly from the ventricle to the coronary artery may be used to bypass a total or partial occlusion of a coronary artery. The method may include placing a guide device and a dilation device through an anterior wall and a posterior wall of the coronary vessel and through a heart wall between the heart chamber and the coronary vessel. The dilation device may be used to form a passageway in the heart wall at a location defined by the guide device. The method may then include placing a stent within the passageway.

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